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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 13-CR-00131 PJH
)	
Plaintiff,)	DETENTION ORDER AS MODIFIED
)	
v.)	
)	
RICHARD ERIC STEWART,)	
)	
Defendant.)	

On October 3, 2021, defendant, Richard Eric Stewart, allegedly violated the conditions of his supervised release as outlined in the Petition for Arrest Warrant for Offender Under Supervision (“Petition”) with committing a new federal, state or local crime. Dkt. 60.

This matter came before the Court on November 24, 2021, for a detention hearing. The defendant was present via videoconference and represented by Charles Woodson. Assistant United States Attorney Katherine Lloyd-Lovett appeared for the government. In response to the government’s earlier oral motion for detention, defendant filed a written Motion for Release from Custody (Dkt. 63). At the hearing on November 24, counsel and the Probation Officer submitted proffers and arguments regarding detention.

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1 As a person on supervised release, defendant bears the burden of establishing by clear and
2 convincing evidence that he will not flee or pose a danger to any other person or to the community. Fed.
3 R. Crim. P. 32.1(a)(6). Upon consideration of the facts, proffers, and arguments presented, and for the
4 reasons stated on the record, the Court finds that defendant did not meet his burden to show by clear and
5 convincing evidence that he does not pose a danger to the community. Accordingly, defendant must be
6 detained pending resolution of the Petition.

7 The present order supplements the Court's findings and order at the detention hearing and serves
8 as written findings of fact and a statement of reasons. As noted on the record, the Court makes the
9 following findings as the bases for its conclusion. The defendant poses an ongoing danger to the
10 community because of the dangerous character of the conduct alleged in the supervised release petition
11 (including the display of a loaded firearm during an argument with a store clerk) and defendant's
12 lengthy criminal history. Moreover, the defendant poses an ongoing danger to the community given the
13 facts surrounding defendant's subsequent arrest in Brentwood, California, while in possession of Ecstasy
14 pills and an open beer bottle in his car, as described by the Probation Officer. The Court is not satisfied
15 that this danger can be prevented by the conditions of release proposed by defendant. This finding is
16 made without prejudice to the defendant's right to seek review of defendant's detention or file a motion
17 for reconsideration if circumstances warrant it.

18 Pursuant to 18 U.S.C. § 3143(a)(1), IT IS ORDERED THAT:

19 1. The defendant be, and hereby is, committed to the custody of the Attorney General for
20 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving
21 sentences or being held in custody pending appeal;

22 2. The defendant be afforded reasonable opportunity for private consultation with counsel;
23 and

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1 3. On order of a court of the United States or on request of an attorney for the government,
2 the person in charge of the corrections facility in which the defendant is confined shall deliver the
3 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a
4 court proceeding.

5 IT IS SO ORDERED.

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7 DATED: November 26, 2021


HONORABLE KANDIS A. WESTMORE
United States Magistrate Judge